

OFFICIAL FORM

PTC-430

BEFORE THE NEVADA GAMING COMMISSION AND  
THE STATE GAMING CONTROL BOARD

\_\_\_\_\_  
In the Matter of

***Exact Name of Applicant/  
Registrant as Specified in Charter***

(Waiver of NGC Regulation 16.430)

SCHEDULE SUPPORTING APPLICATION FOR A WAIVER OF  
NGC REGULATION 16.430 AS AN INSTITUTIONAL INVESTOR

1. The Status of the Applicant as an Institutional Investor: Describe the institutional investor's business and state why the institutional investor is within the definition of "institutional investor" as set forth in NGC Regulation 16.010(14).

2. Name of PTC for which Waiver is sought: Provide: (i) the name of the publicly traded corporation(s) registered with the Nevada Gaming Commission ("Nevada PTC(s)") in which the Applicant holds or intends to hold in excess of 10% of the voting securities of such Nevada PTC; (ii) the actual percentage holding of such Nevada PTC's securities; and (iii) a dollar value representation for each such holding.

If the voting securities were acquired as a result of a debt restructuring, NGC Regulation 16.430(1) states that an institutional investor may hold more than 15% of the Nevada PTC's voting securities. In such case, please provide a detailed explanation of how the voting securities were acquired during the debt restructuring and how they are presently held, directly or indirectly, by the Applicant.

3. Purpose for Holding the Securities: Describe any actions taken or expected to be taken by the institutional investor relating to the activities described in NGC Regulation 16.430(3).

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4. Officers and Directors: Provide the name, address, telephone number and social security number of the officers and directors, or their equivalent, of the institutional investor as well as those persons that have direct control over the institutional investor's holdings of voting securities of Nevada PTC(s).

5. Persons with Power to Direct or Control: Provide the name, address, telephone number and social security or federal tax identification number of each person who has the power to direct or control the institutional investor's exercise of its voting rights as a holder of voting securities of the Nevada PTC(s).

6. Beneficial Owners: Provide the name of each person that beneficially owns more than 5 percent of the institutional investor's voting securities or other equivalent.

7. Affiliates: Provide a list of the institutional investor's affiliates.

8. Beneficially Owned Securities: List all securities of any Nevada PTC's that are or were beneficially owned by the institutional investor or its affiliates within the preceding year, setting forth a description of the securities, their amount, and the date of acquisition or sale.

9. Regulatory Agencies: List all regulatory agencies with which the institutional investor or any affiliate that beneficially owns voting securities of the Nevada PTC(s) files periodic reports, and the name, address, and telephone number of the person, if known, to contact at each agency regarding the institutional investor.

10. Criminal or Regulatory Sanctions: Disclose all criminal or regulatory sanctions imposed during the preceding 10 years and any administrative or court proceedings filed by any regulatory agency during the preceding 5 years against the institutional investor, its affiliates, any current officer or director, or any former officer or director whose tenure ended within the preceding 12 months. As to a former officer or

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director, such information need be provided only to the extent that it relates to actions arising out of or during such person's tenure with the institutional investor or its affiliates.

11. Schedule 13D or 13G: Provide copy of the institutional investor's most recent Schedule 13D or 13G (and any amendments thereto) filed with the United States Securities and Exchange Commission concerning any voting securities of the Nevada PTC(s).

12. 15 U.S.C. 18a: Provide a copy of any filing made under 15 U.S.C. 18a with respect to the acquisition or proposed acquisition of voting securities of the Nevada PTC(s).

13. Internal Compliance: Briefly describe the internal controls established, implemented and maintained to ensure that the Applicant does not exceed the investment limitations authorized by the Commission. Provide a copy of all internal controls and policies, including any regulatory compliance program which the Applicant has adopted.

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CERTIFICATION (1)

The Applicant states under oath and the penalty of perjury, that the voting securities were acquired and are held for investment purposes only as defined in NGC Regulation 16.430(3)(a) – (f). The applicant agrees to be bound by and comply with the Nevada Gaming Control Act and the regulations adopted thereunder, to be subject to the jurisdiction of the courts of Nevada, and to consent to Nevada as the choice of forum in the event any dispute, question, or controversy arises regarding the application or any waiver granted.

Applicant

By manual signature \_\_\_\_\_  
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*(1) Provide a statement by the signatory explaining the basis of his authority to sign the Certification and to bind the institutional investor to its terms.*

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The Applicant states that this Application, as amended and supplemented and as of the time it is accepted as filed, does not make a material misstatement of fact or omit to state a material fact necessary to make the facts stated, in view of the circumstances under which such facts are set forth, not misleading.

The Applicant states that this Schedule, as amended and supplemented and as of the time it is accepted as filed, is in full compliance with the Act and Regulations.

The Applicant shall amend and supplement this Schedule as the Board or Commission may require prior to the approval of this application.

The Applicant hereby amends this Schedule on such date or dates as may be necessary to delay the effective date of the Application until such Application, as supplemented and amended, is accepted as filed or the Applicant specifically requests that the Application be accepted as filed, whichever occurs first.

Pursuant to the Act and Regulations, the Applicant has duly caused this Schedule to be executed on its behalf by the undersigned, thereunto duly authorized.

Applicant

By manual signature \_\_\_\_\_  
typed signature  
title

USE: Application for each approval or action of the Nevada Gaming Commission required or permitted by the Gaming Control Act of NGC Regulation 16.430, shall be made to the Board through the use of Form PTC-1 and Form PTC-430. The Application on Form PTC-1 is deemed a public record and subject to public inspection and disclosure pursuant to NRS 463.120. However, Form PTC-430 is not deemed a public record and therefore all information contained in Form PTC-430 shall be deemed confidential.

(07/30/98; 11/03/00; Revised 06/10/03)